IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3045 OF 2004
IN
WRIT PETITION NO. 5007 OF 1998

Ramchandra Shripatrao Phalke ...Applicant

Versus

M/s. Shahu Co-operative Bank Ltd.
and others ...Respondents

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Mr. Pratap Bhosale h/f Anil L. Desai, counsel for Applicant.

Mr. A.M. Kulkarni h/f A.A. Kumbhkoni, counsel for Respondent No.1.

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CORAM: B. H. MARLAPALLE, J.

DATED: 21ST MARCH, 2005

P. C.:-

1. This civil application has been moved by the applicant who is respondent No.2 in writ petition No.5007 of 1998. The said petition has been admitted on 12.7.99, interim order in terms of prayer clause (c) was also passed.

2. Now, by this application the applicant prays that the writ petition No.5007 of 1998 itself could be disposed of by directing the Co-operative Court at Kolhapur to hear and decide the dispute No.852 of 1995 finally, within a fixed period.

3. The learned counsel for the present respondent No.1 and original petitioner Bank on instructions has no objection to allow the civil application but by maintaining the stay order till the dispute is decided by the Co-operative Court.

4. Hence, the civil application is allowed in terms of prayer clause (b) and the writ petition No. 5007 of 1998 accordingly stands disposed of. The dispute shall be decided by the Co-operative Court at Kolhapur, as expeditiously as possible and in any case, within six months from the receipt of writ from this Court and till then the interim order passed by this Court on 12.7.1999 shall operate.